

General Comments:

1. Page S-10, "Cost and Financial Analysis, use YOE consistently and the capital cost should be \$5.3B YOE.
2. Pages 2-45, 3-59 and 4-196, there is inconsistency in describing how and where the project will open. The descriptions say "portions", "sections" and "phases" respectively. FTA is unclear about the plans for opening, public operations and temporary traffic impacts and the progression of openings that are planned.
3. Page 2-44, update the method of contracting since the acquisition method is known. This is important information for various resource agencies.
4. Page 3-59. identify the plan to accommodate the use of phased openings as a mitigation.
5. Include in the FEIS a written clarification of the 106 process and its integration with the AA process the same as that which ACHP has requested.
6. The following insert is to be added at the points indicated in the attached marl-up document.

Insert #1:

The City and County of Honolulu and FTA are committed to all of the measures described in this document for mitigating each adverse effect of the Project. The mitigation measures are now part of the Project. The Project, including the mitigation measures, may not be changed without FTA's written approval of the change. FTA would consider such approval only after an appropriate environmental review of the environmental effects of the change has been completed by the City.

7. The City has not been able to elicit FAA's approval of the proposed alignment at the airport, even with the mitigation commitments recently discussed. The FAA and airport operator need additional preliminary engineering studies before they can commit to an alignment. Therefore, in order to avoid delaying the FEIS while the additional PE is being conducted, the alternative at the airport which avoids the adverse effects on current airport operations must be described in the FEIS and fully evaluated in terms of its impacts and cost..
8. Regarding the preferred alternative at the airport: The mitigation discussed with FAA at the meeting in late October attended by FTA, FAA, and others must be presented in the FEIS and committed to, subject to approval by FAA.
9. The airport issues in the previous two comments above may be appropriate for a new subsection in Chapter 3 (Transportation Impacts) that deals strictly with the impacts on aviation. An alternative location in the document may be better, but a scan of the Table of Contents does not suggest one.
- 10 The Distribution List seems to be missing individuals and organizations that commented on the DEIS, either at the hearing or in writing. CEQ regulations (40 CFR

1502.19) require that the FEIS be sent to parties who commented on the DEIS. To save distribution cost, the City may want to cut back on the extensive list of politicians included on the Distribution List -- only those who commented must be included, though others may be included at the City's discretion.

Comments specific to the 4(f) chapter

1. On page 5-2, the terminology in the first half of the first column shifts from "use" to mention of "direct impacts," the latter of which does not seem relevant to Section 4(f) analysis.
2. On page 5-2, we provide a somewhat unclear introduction (top of second column) to Section 4(f) by not mentioning de minimis.
3. On page 5-5, the table provides a column for "description of impact," which it seems to be should be "description of use."
4. On page 5-6, we state that "it cannot be determined at this time whether any archaeological resources will be encountered . . .," but it doesn't list why that is so. In fact, it suggests that additional archaeological work will be completed prior to construction, but no reason is given for why that work cannot be completed now. FTA raises this specifically because the National Trust comment letter specifically raised it, and that letter suggests that an Archaeological Inventory Survey could be completed now. If that is true, it seems that we would need some good justification, reproduced in the Section 4(f) statement in the FEIS, as to why it is not being done. Also, with respect to archaeological resources, it has been suggested that alternatives to the alignment that the National Trust raises concerns about also have high known concentrations of burial sites, which would at least provide some additional support. If such a case can be made, it seems like we would want to point it out in the FEIS.
5. Page 5-14 begins discussion of Ke'ehi Lagoon Beach Park. First of all, why not a de minimis for this? It seems as if it would have been a good candidate. The avoidance alternative is not really an avoidance alternative is it would also use Section 4(f) properties. Thus, it seems that a least harm analysis should be done here or the analysis should be more carefully incorporated by reference. Finally, there is no mention of whether noise walls will be used as one

- possible measure to minimize harm to the park, especially given the proximity to a number of tennis courts.
6. Pages 5-18 through 5-22 (Afuso House, Higa Fourplex, and Teixeira House). First of all, the text for all three of these with respect to avoidance and minimization of harm is nearly identical; it seems that these three could be grouped for purposes of Section 4(f) analysis. As with the Ke'ehi Lagoon Beach Park, the avoidance alternative sections here only list alternatives that would use Section 4(f) resources and are thus not really avoidance alternatives (although the mauka shift alternative does not clearly state whether it would "use" Section 4(f) resources, but rather it says it would "impact" them, which is not very relevant for the analysis. It should clarify whether the mauka shift would "use" Section 4(f) resources, and, if it would, then it should do a least overall harm analysis. One true avoidance alternative to the use of these three properties is not even mentioned here, but rather under the "lava rocks" section on 5-23, and that is to not widen Dillingham Boulevard. It should be mentioned here, and it should also explain why it is not feasible and prudent (or not possible as a measure to minimize harm) to not reduce Dillingham Boulevard to 2 lanes from 4 lanes in order to allow the construction of the guideway without widening Dillingham Boulevard (or remove on-street parking if it is currently there). The analysis should address the question of why an alignment down Nimitz, turning at Waiakamilo Road, and then on to Dillingham is not considered. It appears from maps that there is unused median space on Nimitz, and that such an alignment would entirely avoid these three buildings and the lava rock curbs on Dillingham. Finally, the concluding paragraphs for all three buildings state that they will be removed, but it is not clear whether they will be moved (which would be a measure to minimize harm) or demolished. The ultimate fate of the buildings should be clarified.
 7. Pages 5-23 through 5-25 (Lava Rock Curbs on Halekauwila). The avoidance alternatives section here particularly needs improvement. First, in the first paragraph, it is not clear whether these three alternatives are truly avoidance alternatives (normally they would be, but the earlier sections of the document have primarily included "non-avoidance" alternatives into the avoidance alternative sections). So, that should be clarified first of all, and if they are not avoidance alternatives (the Section 4(f) resources that would be used by the alternatives needs to be listed), a least overall harm analysis needs to be completed (saying something would provide "poor transit benefits"

- falls far short of a least overall harm analysis). If they are in fact avoidance alternatives, there needs to be far more justification for eliminating them as not being prudent and feasible than the one phrase each in that first paragraph. As for the Queen Street alignment, it states that it is not an avoidance alternative (despite being in a section so named), but there appears to be no least overall harm analysis. It is not clear which alternative is being discussed where it says "elevated system on either Beretania or King Street," but the fact that it would run in front of certain buildings and remove traffic lanes does not appear to support the concluding statement of the paragraph that it would not meet purpose and need. It also fails to tell the reader whether it is an avoidance alternative, and, finally whether it would be a prudent and feasible avoidance alternative. Finally, it also fails to state here whether removing the on-street parking would allow construction of the guideway without removal of the lava rock curbs.
8. Page 5-26. Under "application of Section 4(f)" for "Boulevard Saimin," it states that the parcel would be "affected" by the widening of the road, which is not very relevant for purposes of Section 4(f). It should rather state that the parcel will be "used" by the project, if that is the case.
 9. Page 5-27. It appears that non-avoidance alternatives are listed here under the "Avoidance Alternatives" section for the Canal Bridge, and that the analysis here fails to provide sufficient justification needed for a "least overall harm" analysis. Further, under one true avoidance alternative, which is to not widen the bridge or Dillingham, there is no discussion of whether it would be prudent or feasible to not widen the bridge and Dillingham through removal of lanes and on-street parking. At the end of the "avoidance" analysis, it states that one alternative is not feasible because it would require an unsafe lane shift. First, feasibility only refers to engineering feasibility, not safety concerns, so this should have an analysis of overall prudence. Second, there is no discussion as to why the lane shift would be unsafe (e.g., was a traffic engineer consulted?)
 10. Page 5-28 (Six Quonset Huts). It states that the project will not "directly affect the buildings" but that it "will substantially impair the setting, feeling, and location of the historic property." Does this mean it is an "adverse affect" under Section 106? It suggests this under a later section, but it is not really clear here. The avoidance alternatives section on page 5-29 again lists alternatives that would not entirely avoid Section 4(f) resources. Also, the mauka shift alternative does

- not appear to really be considered here as this portion of the alignment is quite far from the historic resources cited as being used by the shift (i.e., Duarte House, the 10 courtyard houses, and the market are way on the other side of the canal bridge). There is no justification given as to why you could not shift to the mauka side in this section of Dillingham and leave the alignment in the median on the other side of the canal bridge. Further, it doesn't appear to consider not widening Dillingham through the removal of traffic lanes or on-street parking.
11. The issues mentioned above with respect to the other properties on Dillingham apply equally to the section on True Kamani trees starting on Page 5-29.
 12. Page 5-30 (O'ahu Railway and Land Company Terminal Building and Office/Document Storage Building). It is not clear as to whether there is an adverse effect under Section 106. If not, then it should be de minimis. As with comment #7 above, the avoidance alternatives section is inadequate.
 13. Chinatown avoidance alternatives on page 5-35. As with comment above, the avoidance section here is inadequate. The statement that it has been demonstrated that there are no feasible and prudent avoidance alternatives lacks any real support. There needs to be a detailed analysis of all of the factors listed in the Section 4(f) regulation under the definition of feasible and prudent avoidance alternatives for each avoidance alternative, and an "overall least harm" analysis to compare alternatives that are not true avoidance alternatives.
 14. Dillingham Transportation Building (pages 5-35 through 5-36). There is no mention as to whether this is a no adverse effect and de minimis might apply. If it is an adverse effect and Section 4(f) applies, then the avoidance section is inadequate. As above, it starts off with non-avoidance alternatives. In the third paragraph of the avoidance section, it states that an alternative would not be feasible because it would require demolition of a high-rise building. That is not grounds for infeasibility. The section must consider whether demolition of the office building would be prudent under our regulation unless that office building is protected by Section 4(f). Also, there is no section discussing measures to minimize harm. Finally, the concluding statement in the section states that there are practical avoidance alternatives and simply leaves it at that. There are discussed later, but the way it is stated for this resource looks really

- inadequate (i.e., it makes it sound as if there are prudent and feasible alternatives that we are ignoring).
15. HECO Plant and Hicks Building (page 5-39). As with above, a non-avoidance alternative is listed under avoidance alternatives. Further, the mention of small shifts of the station entrance requiring demolition of a high-rise building fail to consider the other factors needed for a feasible and prudence analysis. There is no discussion of how large the building to be demolished is, how many people work there, or whether a station entrance might be incorporated into the building. All of those facts need to be balanced against the other factors in the Section 4(f) regulation, and a decision must be made with a “thumb on the scale” in favor of protecting the Section 4(f) resource. There also appears to be no consideration for keeping the existing station location and placing one entrance where there are currently parking lots at Irwin Park (across the street from where the current design would demolish part of the HECO Plant/Hicks Building roof). It seems an obvious possible location for an entrance, and even though it is not an avoidance alternative, it seems as if a “least overall harm” analysis should be done. Also, there should be clarification as to whether there has been a finding of adverse effect under Section 106 for this resource.
 16. Pages 5-39 through 5-40 (alternative downtown station locations). This section states that Alakea Street location is not prudent because both station entrances would present conflicts with parking garage entrances that are too busy. For the Pacific Guardian entrance, there is some analysis of the number of pedestrians and cars per minute at this location during the peak hour. This figure should be compared to the number of pedestrian auto conflicts at this location under the current design, as it is conceivable that some users under the current design might also walk past that garage entrance. For the Harbor Square residential building, no figure as to the number of automobiles and pedestrians is given. Presumably, because this is a downtown residential location, there would be fewer automobiles exiting the facility. Also, because the primary destinations are the Waterfront and the Aloha Tower Marketplace (see page 5-40), there might not be a large number of people walking in the other direction. A pedestrian/auto number should be given here and compared with the current design. For both alternatives, other relevant factors in the Section 4(f) regulation need to be balanced with this safety issue.

17. Page 5-40 (Fort Street alternative). This alternative is analyzed as a feasible and prudent avoidance alternative, but it is not an avoidance alternative. An overall least harm analysis needs to be completed instead.
18. Page 5-60 (Temporary use). It is difficult to know from this description, but it sounds as if the pipe will actually “use” the Pearl Harbor NHL, and the chart on page 5-11 also seems to suggest that by listing Pearl Harbor NHL as a “temporary occupancy”. Alternatively, the bike path is not listed as a “temporary occupancy” on page 5-5. For both the bike path and the Pearl Harbor NHL, this section fails to demonstrate that the five requirements of the Section 4(f) regulation for temporary occupancies at 23 CFR 774.13(d) have been met, most notably concurrence of the officials with jurisdiction (although evidence should be provided for all of the requirements).
19. Starting on page 5-60 (Least Overall Harm). This section might work better more toward the beginning of the Section 4(f) chapter as it concerns large-scale alternatives and provides context for some of the discussions in the rest of the document. This section does not do a very good job of summing up the overall differences between the two alternatives with respect to the relative harm to Section 4(f) resources and the relative significance of those resources. There is no conclusion stated in those respects. Under the “purpose and need” item, there is some discussion of one alternative having better mobility benefits, but this is not tied at all to purpose and need. Also, it is not quantified at all, so there is no sense as to whether the difference in benefit is large or small. Without that additional analysis, it is difficult to make any conclusions based on purpose and need. Finally, there is no consideration of differences in costs between these two alternatives, and there should at least be some discussion of it or why it does not apply.